

Gregg M. Galardi
Dienna Corrado
Arkady A. Goldinstein
DLA PIPER LLP (US)
1251 Avenue of the Americas
New York, New York 10020
Telephone: (212) 335-4500
Facsimile: (212) 335-4501

Counsel for the Debtors and Debtors in Possession

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

dELiA*s, INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 14-23678 (RDD)

Jointly Administered

**DEBTORS' MOTION PURSUANT TO FED. R. BANKR. P. 9006(C) SHORTENING
NOTICE PERIOD AND SCHEDULING A HEARING WITH RESPECT TO DEBTORS'
MOTION FOR ENTRY OF AN ORDER (I) APPROVING BIDDING PROCEDURES
AND BID PROTECTIONS IN CONNECTION WITH THE SALE OF
VISA/MASTERCARD CLAIM, (II) APPROVING THE FORM AND MANNER OF
NOTICE, AND (III) SCHEDULING AN AUCTION AND A SALE HEARING**

dELiA*s, Inc. and its debtor affiliates, as debtors and debtors in possession in the above-captioned chapter 11 cases (collectively, the "Debtors"), hereby submit this motion (the "Motion to Shorten Time") for expedited consideration of *Debtors' Motion for Entry of an Order*

(I) Approving Bidding Procedures and Bid Protections in Connection with the Sale of

Visa/MasterCard Claim, (II) Approving the Form and Manner of Notice, and (III) Scheduling an

¹ The Debtors in these chapter 11 cases, together with the last four digits of each Debtor's federal tax identification number, are as follows: dELiA*s, Inc. (7172); dELiA*s Distribution Company (9076); A Merchandise, LLC (7639); dELiA*s Operating Company (3765); dELiA*s Retail Company (0036); dELiA*s Group Inc. (4035); AMG Direct, LLC (9236); dELiA*s Assets Corp. (3754); DACCS, Inc. (0225). The mailing address for the Debtors, solely for purposes of notices and communications, is: 50 West 23rd Street, New York, NY 10010.

Auction and a Sale Hearing (the “Bid Procedures Motion”). In support of this Motion to Shorten Time, the Debtors respectfully represent as follows:²

JURISDICTION AND VENUE

1. This Court has jurisdiction to consider the Motion to Shorten Time pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue of these cases and this Motion in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory bases for the relief requested herein are Rule 9006(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and 9006-1(b) of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of New York (the “Local Bankruptcy Rules”).

RELIEF REQUESTED

2. Contemporaneously with the filing of this Motion, the Debtors filed the Bid Procedures Motion, seeking entry of an order establishing bidding procedures and bid protections, approving the form and manner of notice and scheduling an auction and sale hearing in connection with the sale of the Visa/MasterCard Claim that the Debtors hold in the Visa/MasterCard Case. Through this Motion to Shorten Time, the Debtors respectfully request the Bid Procedures Motion be heard at the next hearing scheduled in these Chapter 11 Cases on **February 24, 2015 at 2:00 p.m. (Eastern Time)**, and that the Court set the objection deadline for the Bid Procedures Motion for **February 23, 2015 at 4:00 p.m. (Eastern Time)**.

BASIS FOR RELIEF

3. Local Bankruptcy Rule 9006-1(b) requires that “all other motions,” which do not otherwise require a longer notice period under the Bankruptcy Rules, “shall be served at least

² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Bid Procedures Motion.

fourteen (14) days before the return date.” The Debtors respectfully submit that circumstances of these cases warrant shortening notice of the Bid Procedures Motion.

4. As further explained in the Bid Procedures Motion, the Debtors, in consultation with the Committee and DIP Agent, are in the process of negotiating with various parties for the sale of the Visa/MasterCard Claim. Given that the GOB Sales are proceeding much more rapidly than anticipated and the Debtors are engaging in the immediate sale of their remaining assets, the Debtors believe that a hearing on the Bid Procedures Motion on shortened notice is in the best interests of their estates and their creditors because it will quickly facilitate the sale of this Visa/MasterCard Claim, which the Debtors will seek to have approved at the next omnibus hearing on March 20, 2015.

5. The Debtors respectfully submit that no party will be prejudiced by the shortened notice period. The Debtors have been consulting with the Committee and DIP Agent with respect to the Sale and will continue to do so. Moreover, prior to the filing of the Bid Procedures Motion, the Debtors circulated a draft to the Committee and DIP Agent for their review and comment and notified the U.S. Trustee regarding the filing of the Bid Procedures Motion.

NOTICE

6. Pursuant to Bankruptcy Rule 9006(c)(1), the Court may shorten time without notice. Accordingly, no notice of this Motion to Shorten Time has been given.

7. No previous request for the relief sought herein has been made by the Debtors to this or any other Court.

CONCLUSION

WHEREFORE, the Debtors respectfully request that the Court approve this Motion to Shorten Time and schedule the hearing on the Bid Procedures Motion as requested herein, and grant the Debtors such other and further relief as may be just and proper.

Dated: February 18, 2015
New York, New York

/s/ Gregg M. Galardi

Gregg M. Galardi
Dienna Corrado
Arkady A. Goldinstein
DLA PIPER LLP (US)
1251 Avenue of the Americas
New York, New York 10020
Telephone: (212) 335-4500
Facsimile: (212) 335-4501

*Counsel for the Debtors and Debtors
in Possession*

EXHIBIT A

Proposed Form of Order

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

dELiA*s, INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 14- 23678 (RDD)

Jointly Administered

**ORDER SHORTENING NOTICE PERIOD AND SCHEDULING
A HEARING WITH RESPECT TO DEBTORS' MOTION FOR ENTRY
OF AN ORDER (I) APPROVING BIDDING PROCEDURES AND
BID PROTECTIONS IN CONNECTION WITH THE SALE OF VISA/MASTERCARD
CLAIM, (II) APPROVING THE FORM AND MANNER OF NOTICE, AND
(III) SCHEDULING AN AUCTION AND A SALE HEARING**

Upon the motion (the "Motion to Shorten Time")² of the debtors and debtors in possession in the above-captioned cases (collectively, the "Debtors") pursuant to Rule 9006(c) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and 9006-1(b) of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of New York (the "Local Bankruptcy Rules"), for entry of an order shortening the notice period and fixing the date and time for an expedited hearing on *Debtors' Motion for Entry of an Order (I) Approving Bidding Procedures and Bid Protections in Connection with the Sale of Visa/MasterCard Claim, (II) Approving the Form and Manner of Notice, and (III) Scheduling an Auction and a Sale Hearing* (the "Bid Procedures Motion"); and it appearing that the relief requested by this Motion to Shorten Time is in the best interests of these estates, their creditors, and other parties in

¹ The Debtors in these Chapter 11 cases, together with the last four digits of each Debtor's federal tax identification number, are as follows: dELiA*s, Inc. (7172); dELiA*s Distribution Company (9076); A Merchandise, LLC (7639); dELiA*s Operating Company (3765); dELiA*s Retail Company (0036); dELiA*s Group Inc. (4035); AMG Direct, LLC (9236); dELiA*s Assets Corp. (3754); DACCS, Inc. (0225). The mailing address for the Debtors, solely for purposes of notices and communications, is: 50 West 23rd Street, New York, NY 10010.

² Capitalized terms not otherwise defined herein have the meanings ascribed to them in the Motion to Shorten Time.

interest; and after due deliberation and sufficient cause appearing therefor, it is hereby,

ORDERED THAT:

1. The Motion to Shorten Time is granted to the extent set forth herein.
2. A hearing to consider the Bid Procedures Motion will be held before the Honorable Robert D. Drain, United State Bankruptcy Judge, in Room 118, of the United States Bankruptcy Court for the Southern District of New York, 300 Quarropas Street, White Plains, New York 10601 on **February 24, 2015 at 2:00 p.m. (Prevailing Eastern Time)**.
3. The deadline to respond or object to the relief requested in the Bid Procedures Motion is **February 23, 2015 at 4:00 p.m. (Prevailing Eastern Time)**.
4. The Debtors and their claims and noticing agent, Prime Clerk LLC, are authorized and empowered to take all actions necessary to implement the relief granted in this order.
5. This Court retains jurisdiction with respect to all matters arising from or related to the implementation of this order.

Dated: February [*], 2015
White Plains, New York

THE HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE